

REMARKS/ARGUMENTS

Claims 1-19, 21-47 and 49-76 are pending.

Claims 75 and 76 find support in original claims 2 and 3 as well as the specification as originally filed.

Claims 10-15 and 47-74 have been withdrawn due to the election of species requirement. Further discussion on this is provided in the remarks below.

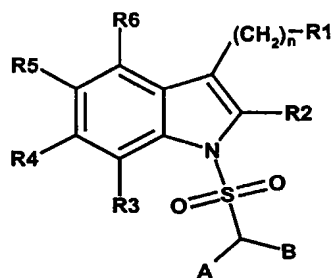
The remaining amendments are for purposes of clarity and form. Multiple dependent claims have also be removed.

No new matter is added.

First to the rejection under 35 USC 102(b) based on the publication of Radl et al. The compound defined in the claims and what is disclosed in Radl are not the same.

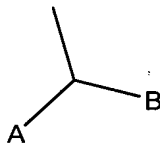
Notably, in the rejection “compound 4” on page 284 is cited where the structure 4 has two variables R^1 and R^2 . In the table that is adjacent to that structure Radl provides a table listing possible substituents at those two positions. Indeed, as noted in the rejection Radl provides the substituent “MeSO₂” (options a and b) or “4-Me-C₆H₄SO₂” for the position at R^1 . However, in claim 1, on the sulfonyl group in the compound of formula (1), different substituents are defined. Here’s why.

The compound defined by formula (I), e.g., in claim 1 is:



(Ia)

The portion of this molecule in question is the sulfonyl group and, in particular, the substituent on that group. In Radl compound 4, it is a methyl (CH_3 -a and b) or $\text{Me-C}_6\text{H}_4$ (c and d) but what it is not is



Or CH_2 substituted by two substituents provided as “A” and “B” in the formula.

Here’s how Claim 1 defines the A and B substituents:

A and B, identical or different, each represent a saturated or unsaturated, linear or branched **aliphatic radical**, optionally at least mono-substituted

or

A and B, together with the carbon atom to which they are bonded, form a saturated or unsaturated, but **not aromatic cycloalkyl ring**, optionally at least mono-substituted

Thus, as Radl’s compounds differ in at least this respect from what is defined in claim 1, the compounds of Radl are not the same as what is claimed in claim 1.

Withdrawal of the rejection is requested.

Further, as the primary basis to assert and then maintain the alleged lack of unity of invention was based on the alleged lack of novelty of the claims, reconsideration of that holding is requested. That is, the claims do define a technical feature which contributes over the art cited. At minimum, as the election was an election of species, Applicants reiterate their request that upon finding the elected species allowable, expand the search and consideration, and ultimately allowance, to non-elected species.

To the rejection under 35 USC 112, second paragraph, following the listing provided in the Action:

- (a) “preferably” has been deleted from the claims;
 - a. What constitutes a stereoisomer, racemate, etc. of a chemical molecule is well-within the knowledge of those skilled in this field and as such cannot be considered indefinite. Further, as certain substituents are provided in the compound of the general formula, some isomers, etc. will be dictated by those groups, again something that is well-known in the field.
- (b) “Suitable solvent” has been amended to “solvent.” Further, forming salts by acid addition reactions with solvents to effect that reaction is well-known and therefore cannot be considered indefinite.
- (c) Claims 19 and 20 have been amended to define “compositions” rather than “medicaments” as suggested by the Examiner.
- (d) Claims 21-46 have been reformatted from the European style “use” claims to the conventional “method for treating” type claims of U.S. practice.

Withdrawal of the rejection is requested.

The rejection under 35 USC 101 pertaining to Claims 21-46 is no longer applicable because (A) the claims are provided as method claims; and (B) the step involved in the method is provided, i.e., administering. Withdrawal of the rejection is requested.

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Reply to Office Action of January 11, 2008

A Notice of Allowance is requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Daniel J. Pereira', is written over a horizontal line.

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